UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,604	06/14/2001	Sean W. March	NORT0100US (14531RRUS01U)	6409

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EXAMINER
CHANG, RICHARD

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/881,604	MARCH ET AL.
	Examiner	Art Unit	
	Richard Chang	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _04/14/2006_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-3,5-13,16,17,19 and 21-26_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _1-3,5-13,19 and 25_ is/are allowed.

6)☒ Claim(s) _16-17, 21-24 and 26_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _06/14/2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment and arguments, filed on 4/14/2006, with respect to

claims 1-3, 5-13, 16-17, 19 and 21-26 have been fully considered but are moot in view

of the new ground(s) of rejection.

Claims 4, 14-15, 18 and 20 have been canceled by the applicants.

Claim 26 is newly added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 16-17, 21, 24 and 26 is rejected under 35 U.S.C. 103(a) as being

unpatentable over US patent 5, 727,146 ("Savoldi et al.") in view of US patent 6,744,767

("Chiu et al.") and further in view of US patent 6,944,673 B2 ("Malan et al.").

Regarding Claims 16 and 21, Savoldi et al. teach a method of dynamically

protecting network access using packet source address, comprising of

receiving, in a system, a data unit (51 as packet) containing a source address

indicating a source of a data unit (packet),

matching the source address with information stored in the system (50), and

enabling entry of the data unit (packet) to the first network if the source address

matches the information stored in the system (52) and denying entry (with error) of the

data unit to the first network if the source address does not match the information stored in the system (52) (See Fig. 7, Col. 1, line 61 – Col. 2, line 8).

Savoldi et al. teach substantially all the claimed invention but did not disclose expressly the particular application involving limitations of

"a storage module to store a threshold value for a communications session, the threshold value representing an acceptable rate of incoming data units from the external network to the first network" and

"a controller adapted to deny further entry of data units from the external network to the first network in the communications session in response to the controller detecting that the rate of incoming data units exceeds the threshold value".

Chiu et al. teach a method and networks of voice gateways (22) for bandwidth management during implementation of Quality of Service using Internet Protocol provisioning including

 a storage module (54 memory buffer) (See Fig. 2, Col 5, lines 53-55) to store a threshold value (global and local thresholds) for a communications session, the threshold value representing an acceptable rate of incoming data units from the external network to the first network (maximum incoming packet rate), and

a controller (51) adapted to deny further entry of data units from the external network to the first network in the communications session in response to the controller detecting that the rate of incoming data units exceeds the threshold value (See Fig. 2, Col. 5, lines 32-58).

A person of ordinary skill in the art would have been motivated to employ Chiu et al. in Savoldi et al. in order to obtain a method of dynamically protecting network access using packet source address and to take advantage of a memory buffer to store a global and local thresholds for a communications session, representing an acceptable maximum incoming packet rate and a controller to deny further entry of data units from the external network to the first network in the communications session in response to the controller detecting that the rate of incoming data units exceeds the acceptable maximum incoming packet rate in claims 16 and 21.

The suggestion/motivation to do so would have been to store a global and local thresholds to a memory buffer for a communications session, representing an acceptable maximum incoming packet rate and a controller to deny further entry of data units from the external network to the first network in the communications session in response to the controller detecting that the rate of incoming data units exceeds the acceptable maximum incoming packet rate, as suggested by Chiu et al. in Fig. 2, Col. 5, lines 32-58. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Chiu et al. with Savoldi et al. to obtain the inventions specified in claims 16 and 21.

Savoldi et al. and Chiu et al. teach substantially all the claimed invention but did not disclose expressly the particular application involving limitations of

"security action of generating a report that an attack is occurring".

Malan et al. teach a method for networks profiling relating to common denial of service attack tracking technique including steps of generating a report that an attack is occurring (See Fig. 7, Col. 10, lines 6-35)

A person of ordinary skill in the art would have been motivated to employ Malan et al. in Savoldi et al. and Chiu et al. in order to obtain a method of dynamically protecting network access using packet source address and to take advantage of a common denial of service attack tracking technique including steps of generating a report that an attack is occurring in claims 16 and 21.

The suggestion/motivation to do so would have been to use a common denial of service attack tracking technique including steps of generating a report that an attack is occurring, as suggested by Malan et al. in Col. 10, lines 6-35. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Malan et al. with Savoldi et al. and Chiu et al. to obtain the inventions specified in claims 16 and 21.

Regarding Claim 17, as discussed above, Savoldi et al. and Malan et al. teach substantially all the claimed invention but did not disclose expressly the particular application involving limitations of "calculate the predetermined threshold based at least in part on a frame size used in the call session".

Chiu et al. further teach that measuring the VOIP speech frame size for the interface to assure the predetermined bandwidth requirement (calculate the predetermined threshold based at least in part on a frame size used in the call session) (See Col. 9, lines 48-55).

A person of ordinary skill in the art would have been motivated to employ Chiu et al. in Savoldi et al. and Malan et al. in order to obtain a method of dynamically protecting network access using packet source address and to take advantage of measuring the VOIP speech frame size for the interface to assure the predetermined bandwidth requirement in claim 17.

The suggestion/motivation to do so would have been to measure the VOIP speech frame size for the interface to assure the predetermined bandwidth requirement, as suggested by Chiu et al. in Col. 9, lines 48-55. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Chiu et al. with the Savoldi et al. and Malan et al. to obtain the inventions specified in claim 17.

Regarding Claim 24, as discussed above, Savoldi et al. and Malan et al. teach substantially all the claimed invention but did not disclose expressly the particular application involving limitations of

"check if the incoming data unit contains a Real-Time Protocol or Real-Time Control Protocol payload, and to deny further entry of the incoming data unit if the incoming data unit does not contain a Real-Time Protocol or Real-Time Control Protocol payload".

Chiu et al. further teach that checking for VoIP packet with User Datagram Protocol and Real Time Protocol (See Col. 9, lines 48-55).

A person of ordinary skill in the art would have been motivated to employ Chiu et al. in Savoldi et al. and Malan et al. in order to obtain a method of dynamically

protecting network access using packet source address and to take advantage of

checking for VoIP packet with User Datagram Protocol and RTP in claim 24.

The suggestion/motivation to do so would have been to check for VoIP packet

with User Datagram Protocol and Real Time Protocol, as suggested by Chiu et al. in

Col. 9, lines 48-55. At the time the invention was made, therefore, it would have been

obvious to one of ordinary skill in the art to which the invention pertains to combine Chiu

et al. with the Savoldi et al. and Malan et al. to obtain the inventions specified in claim

24.

Regarding claim 26, as discussed above, this claim have limitation that is similar

to those of claim 17 for report an attack occuring, thus those are rejected with the same

rationale applied against claim 17 above.

4. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US patent 5, 727,146 ("Savoldi et al.") in view of US patent 6,944,673 B2 ("Malan et al.")

and further in view of US patent 6,928,082 B2 ("Liu et al.") and further in view of US

patent 6,744,767 ("Chiu et al.").

Regarding claim 22, as discussed above, this claim have limitation that is similar

to those of claim 2 and 21 and Liu et al. further teach the matching the source address

with one or more entries of a network address translation mapping table server (26)

(See Col. 8, lines 2-13), thus those are rejected with the same rationale applied against

claims 2 and 21 above.

Regarding claim 23, as discussed above, this claim have limitation that is similar

to those of claims 3 and 21 and Liu et al. further teach that matching the source address

comprises matching an Internet Protocol (IP) address (See Col. 5, lines 64-67), thus

those are rejected with the same rationale applied against claims 3 and 21 above.

Allowable Subject Matter

5. Claims 1-3, 5-13, 19 and 25 are allowed.

Examiner's Statement of Reasons for Allowance

6. The following is an examiner's statement of reasons for allowance:

The prior art along or in combination fails to teach or make obvious the following

limitations: "determining if each incoming packet has the predetermined pattern by

checking if each incoming packet has an indication of a predetermined codec type" as

recited in the *independent claims 19 and 25.*

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chang whose telephone number is (571) 272-3129. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rkc

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